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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/594,751

05/17/2007

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25944 7590 09/17/2009
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EXAMINER

DURHAM, NATHAN E

ART UNIT

PAPER NUMBER

3765

MAIL DATE

DELIVERY MODE

09/17/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/594,751	Applicant(s) KUKI ET AL.	
	Examiner NATHAN E. DURHAM	Art Unit 3765	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 December 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 September 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>10/27/2006</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

The abstract of the disclosure is objected to because it exceeds 150 words. Additionally, the examiner wants to note that all of the reference characters/numerals must be enclosed within parenthesis (reference numeral 3 within line 6 and reference character K within the last line). Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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Claims 1-4 and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by SAKAKIBARA (JP 09-250068).

Regarding claim 1, SAKAKIBARA discloses an embroidery sewing machine (1) with printing function comprising a sewing machine body having a bed (surface of 12), a foot (support holding elements 2, 3), an arm (upper portion of 2) and a sewing unit (lower portion of 2) (Figures 1 and 2). SAKAKIBARA discloses a cloth holding frame (7) holding a workpiece cloth to be sewn (Figures 1-4). SAKAKIBARA discloses a frame drive unit (8) which is functional capable of moving the cloth holding frame independently in two mutually perpendicular directions (X and Y) in a horizontal plane (Fig. 2). SAKAKIBARA discloses an ink-jet printer having a print head (3) printing the workpiece cloth held by the cloth holding frame (Figures 1-4). SAKAKIBARA discloses the frame drive unit (8) including a first drive mechanism that moves the cloth holding frame in a first direction parallel with a lengthwise direction of the bed and a second drive mechanism that moves the cloth holding frame in a second direction perpendicular to the first direction (Fig. 2). Note that the X-direction and the Y-direction of SAKAKIBARA could represent the first direction and second direction or vice versa because either direction of the bed could be considered a lengthwise direction. SAKAKIBARA discloses the print head (3) of the printer including nozzle arrays aligning a plurality of ink-jet nozzles (18) parallel in the first direction (Fig. 6). SAKAKIBARA discloses the printer being fully capable of functioning to print the workpiece cloth while moving the cloth holding frame in the second direction by the second drive mechanism (Figures 1-4).

In regards to claim 2, note that lines 3-6 of the claim are directed at a process of using the drive mechanism (stepping motor 8). Accordingly, the recitation of the above process is considered purely functional language containing no further limiting structure and therefore will not be given patentable weight. SAKAKIBARA discloses all the structure as claimed by the applicant and is therefore considered fully capable of providing the claimed function.

Regarding claim 3, SAKAKIBARA discloses the print head comprises a plurality of nozzle heads (18) aligned in the second direction (Fig. 6).

Regarding claim 4, SAKAKIBARA discloses the cloth holding frame being arranged so that a length in the second direction is greater than a length in the first direction (Fig. 2).

Regarding claim 6, SAKAKIBARA discloses the sewing machine body and printer being provided integrally (Figures 1-4).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over SAKAKIBARA (JP 09-250068) in view of TANNO (JP 2004-034667).

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SAKAKIBARA discloses an embroidery sewing machine with printing function as discussed above. However, SAKAKIBARA fails to disclose the printer including a purging mechanism and a cap mechanism for the printer head. TANNO teaches an inkjet printer (1) (having a printer head) having a purging mechanism (64) and a cap mechanism (61) for the printer head in order to prevent color mixing during maintenance work (Abstract) (Figures 1 and 2). Accordingly, it would have been obvious to a person with ordinary skill in the art at the time the invention was made to have provided the printer head of SAKAKIBARA with a purging mechanism and a cap mechanism, in light of the teachings of TANNO, in order to prevent color mixing during maintenance work.

Conclusion

The prior art made of record, as cited on attached PTO-892, and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to NATHAN E. DURHAM whose telephone number is (571)272-8642. The examiner can normally be reached on Monday - Friday, 7:30 am - 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gary L. Welch can be reached on (571) 272-4996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

NED

/GARY L. WELCH/
Supervisory Patent Examiner, Art Unit 3765